

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAVIER SILVA, *individually and on
behalf of all others similarly situated*,

Plaintiff,

v.

No. 2:21-cv-01117-GJF-JHR

AGAVE TRANSPORTATION
SERVICES, INC.,

Defendant.

ORDER VACATING SCHEDULING CONFERENCE

THIS MATTER is before the Court *sua sponte*. On Wednesday, November 8, 2023, counsel submitted a Joint Status Report to the Court through its proposed text inbox pursuant to this Court's October 26, 2023 Order Setting Merits Scheduling Conference and JSR Deadline. *See* Exhibit 1; [Doc. 54]. In their Joint Status Report, the parties state that a mediation has been scheduled for January 9, 2024, and that a report will be submitted to the Court within five days of that mediation on whether a settlement was reached. *See* Exhibit 1.

Because the parties may resolve this case at the scheduled mediation, there is good cause to delay a scheduling conference for the merits phase of litigation. **IT IS THEREFORE ORDERED** that the scheduling conference set for November 15, 2023 is hereby **VACATED**. The Court will reset the scheduling conference for some time in January 2024 if the parties report that a settlement was not reached or if no report on the mediation is filed within five days of its conclusion.



JERRY H. RITTER
United States Magistrate Judge